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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Date of decision: 30<sup>th</sup> March, 2026.*

*Uploaded on: 2<sup>nd</sup> April, 2026.*

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**W.P.(C) 4035/2026**

**MUKESH KUMAR**

.....Petitioner

Through: Mr. Aditya, Mr. Kailash Kr Jha, Mr. Vipin Kumar, Ms. Anjani Kr. Mishra, Ms. Pralika Chakraborty Mr. Fareeduddin & Ms. Srejal Mishra, Advs.

versus

**MUNICIPAL CORPORATION OF DELHI AND ORS**

.....Respondents

Through: Ms. Beenashaw N. Soni, SC for MCD with Ms. Ann Joseph, Advs.  
Ms. Vaishali Gupta, Panel Counsel (Civil) and Mr. Kartik Sharma, Adv. for GNCTD.  
Mr. P.S Singh CGSC, Ms Shivangi Sharma Advs. for R-3&4.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE MADHU JAIN**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Mukesh Kumar under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondents to allow the Petitioner to peacefully vend at his designated spot *i.e.*, on the open space, M Block Road, near S-327, S-Block, Greater Kailash-II, South Zone, Ward-S-87, New Delhi.



3. The Petitioner, who is a street vendor has been issued a Certificate of Vending (hereinafter 'CoV') bearing no. URI No. 5483506 by the Municipal Corporation of Delhi (hereinafter, 'MCD') in the category of 'Food/ Snacks with gas cylinder/fire'. The details of the same are as under:

<i>Sl .</i>	<i>Name and address of the Street Vendor</i>	<i>Nature/Type of Vending</i>	<i>Place of Vending</i>	<i>Vending Certificate details</i>
1.	<i>Mukesh Kumar S/o Virender Singh R/o G-11/18 B, Sangam Vihar, Pushpa Bhawan, South Delhi, 110062</i>	<i>Food Items.</i>	<i>on the open space, M Block Road, near S-327, S-Block, Greater Kailash-II, South Zone, Ward-S-87</i>	<i>URI No. 5483506. Issued on Date: 06.11.2021 .</i>

4. It is the case of the Petitioner that the Petitioner is being constantly harassed by the Police Authorities and the MCD officials. Ld. Counsel for the Petitioner submits that the Petitioner is permitted to vend in the category 'Food Snacks with gas cylinder/fire' as per the CoV.

5. Ms. Beenashaw N. Soni, Id. Counsel for the MCD submits that the Petitioner is not a stationary vendor and is a mobile vendor. Ld. Counsel for the MCD herself submits that the Petitioner is using a portable cylinder and not a domestic cylinder.

6. The Court has considered the matter and has perused the photograph as also the CoV. The photograph of the Petitioner's cart is set out below:



7. Recently, in a similar matter *i.e.*, in *W.P.(C) 19391/2025* titled *Mohd Badruddin v. Municipal Corporation of Delhi & Ors.*, a vendor with a provisional CoV, who was also entitled to vend 'Food/Snacks with gas cylinder/fire', has been exempted by this Court from complying with Condition No. 11 of the CoV.



8. The said Condition No. 11 of the COV reads as under:

*“11. Mobile vendors shall not stay or vend more than 30 minutes or time prescribed by the TVC at place in a vending/squatting zone.”*

9. After hearing, Id. Counsel appearing for the parties and perusing the provisional CoV of the Petitioner, as also the photograph, this Court is inclined to pass the following directions as have been passed in similar matters recently, *i.e.*, in ***W.P.(C) 15082/2025*** titled ***Rajendra Singh v. Commissioner of Police and Ors.*** *vide* order dated 2<sup>nd</sup> February, 2026 and in ***W.P. (C) 1609/2026*** titled ***Rihana v. MCD & Ors.*** *vide* order dated 5th February, 2026.

10. Thus, in the present petition as well, the Court issues the following directions:

- a) The Petitioner shall be permitted to operate his vend, but shall use a gas cylinder which does not occupy too much space. It is made clear that only a small or medium sized gas cylinder for heating of food and snacks shall be used by the Petitioner;
- b) The Petitioner shall restrict himself to a particular space, where he is operating from, and shall not extend/encroach to the pedestrian areas or cause obstruction in movement of pedestrians;
- c) The Petitioner shall also be obliged to maintain cleanliness and hygiene around the vend, which he is working from and shall ensure the presence of a dustbin near the vend;
- d) Subject to the above, Condition No.11 in the CoV shall not apply to the Petitioner. The Petitioner shall comply with all the other conditions in the CoV.
- e) It shall be ensured that the Petitioner shall not create any third party



interest in this provisional CoV and there shall be a bar on sub-letting or any handing over possession to any third party.

f) No permanent or temporary construction shall also be erected by the Petitioner.

11. The above stated directions shall be subject to any plan which the Town Vending Committee-II may be coming up with in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and no vested rights shall be claimed.

12. The present petition is disposed of in the said terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH**  
**JUDGE**

**MADHU JAIN**  
**JUDGE**

**MARCH 30, 2026**

*dj/ck*